

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHARLES CARROLL,	)	
	)	
Plaintiff,	)	Civil Action No. 11-807
	)	Judge Schwab/
v.	)	Magistrate Judge Eddy
	)	
ALLEGHENY COUNTY JAIL, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

AND NOW, this 16th day of February, 2012, the Plaintiff having been granted in forma pauperis status, the Complaint in this action [ECF No. 3] was filed on June 21, 2011. Defendant SCI Camp Hill filed a Motion to Dismiss for Failure to State a Claim on July 25, 2011. Two days later, the Magistrate Judge filed a Report and Recommendation [ECF No 13] recommending that all claims against SCI Camp Hill be dismissed with prejudice pursuant to 28 U.S.C. 1915e(2)(B). It was further recommended that the constitutional claims made against John Doe #2 be dismissed with prejudice. As to Allegheny County Jail and Defendant John Doe, it was recommended that the claims against them be dismissed without prejudice.

The Court adopted the Magistrate Judge's Report and Recommendation in an Order dated August 17, 2011. [ECF No. 14]. In that Order, the Court explained to Plaintiff that he had been given permission to file an Amended Complaint against Allegheny County Jail and/or John Doe, if appropriate, on or before September 7, 2011. Plaintiff was warned that if he failed to file an Amended Complaint on or before that date, claims against these Defendants would be dismissed with prejudice. Plaintiff did not file an Amended Complaint or attempt to communicate with the Court.

When Plaintiff had failed to file an Amended Complaint or otherwise communicate with the Court as of February 6, the Magistrate Judge issued a thorough Report and Recommendation recommending that the action be dismissed for failure to prosecute. [ECF No. 20]. Carroll filed timely Objections to the Report and Recommendation on February 15, 2012. [ECF No. 22]. The essence of these Objections is that Carroll needs the assistance of counsel to proceed. Carroll's request for counsel, made for the first time in the Objections and his request for an extension of time in which to file his Amended Complaint do not excuse his failure to make these requests earlier, and do not convince the Court to modify its earlier warning that if a timely Amended Complaint was not filed, all claims would be dismissed with prejudice.

Thus, upon independent review of the record, including Objections filed by Plaintiff, and the Magistrate Judge's Report and Recommendation [ECF No. 20], which is adopted as the opinion of this Court, IT IS HEREBY ORDERED that the claims previously dismissed without prejudice are dismissed with prejudice for failure to prosecute.

The Clerk is directed to mark this CASE CLOSED.

s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: Counsel of Record via CM-ECF

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